

CURRENT HISTORY

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“[T]he privatization of the economy, technical innovations on the Internet, and the sinophone sphere of debate have combined to create new spaces for informed discussion of topics that are officially banned . . .”

New Spaces, New Controls: China’s Embryonic Public Sphere

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On July 17, 2015, *People’s Daily* announced that a new deputy director of the Chinese Communist Party’s Central Propaganda Department (the official translation has been changed to Department of Publicity in recent

Public Spheres

First in a series

years) had appeared at a conference on children’s literature in Beijing. This was the first official notice that Tuo Zhen, the former

director of propaganda in Guangdong province, had been promoted to a powerful position in the central government. Tuo had become famous in 2013 thanks to his personal intervention to cut and rewrite key passages of the newspaper *Southern Weekend’s* New Year’s editorial, hours before it went to press.

In the draft of this editorial, written just months after Xi Jinping’s inauguration as the party’s general secretary, the Guangzhou weekly—long a haven for investigative journalists critical of party methods—connected Xi’s notion of the “China Dream” with China’s century-long quest for constitutional rule. The editorial was originally titled “The China Dream—a dream of constitutionalism.” The title was subsequently changed to “We are closer to our dream than ever before,” a phrase taken from *People’s Daily*, and all references to constitutionalism were removed. Tuo’s egregious act of censorship sparked strong protest among and beyond the community of journalists and academics in Guangzhou. His recent promotion encapsulates a more general

trend since Xi took power: an unabashed and well-coordinated rollback of the new spaces for political debate that had appeared in China’s print and online media since the early 2000s.

AN UNCERTAIN EVOLUTION

Assessing the evolution of China’s public sphere is a difficult undertaking. When the German philosopher Jürgen Habermas put forward the notion of a bourgeois public sphere in his 1962 study *The Structural Transformation of the Public Sphere*, his empirical focus was on eighteenth-century Europe and the appearance of social conditions in which rational argument, rather than status or tradition, determined how private individuals discussed issues of common concern. The development of the public sphere, in Habermas’s account, relies on the existence of a civil society enjoying relative autonomy from both the state and the market, as well as the presence of print capitalism in the form of publishing and media enterprises operating with a degree of freedom.

Habermas has been much criticized for his theory’s bias toward both a social elite and a non-contentious mode of interaction based on the exercise of critical reason. However, the concept of the public sphere remains widely used in a broader sense, and has enjoyed a revival with the advent of the Internet and social media. In recent years, political scientists have proposed a qualified use of the term in authoritarian contexts like China or Arab countries. George Washington University’s Marc Lynch, who studies the latter, proposes to define the public sphere by “the existence of routine, ongoing, unscripted arguments before an audience about issues relevant to many.” Can such a watered-down concept still be productively

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applied to the study of political and cultural debates in contemporary China?

China fails to meet many of the implicit criteria of an existing public sphere. In the absence of a well-protected freedom of association, civil society remains at best under pressure. (The idea of civil society itself was recently criticized by Chinese academics like Hu Angang and Wang Shaoguang as a tool of Western influence.) The influence of the state is pervasive, and press, publishing, and new media all explicitly fall under the remit of state and party organs designed to prevent the expression of opinions critical of the government. The State Administration of Press, Publication, Radio, Film, and Television (SAPPRFT), a ministry-level office under the State Council (central government), closely mirrors the Central Propaganda Department, its party counterpart, and directly controls many large state-owned media enterprises. The propaganda department issues yearly guidelines, which are kept secret, and local branches frequently issue reminders to the media under their supervision—though such instructions are always oral, and hence difficult to document. (The US-based website China Digital Times maintains an archive of leaked “instructions.”) No domestic media organ (whether a newspaper or television channel) may be under majority private ownership.

After the economic reforms of the 1990s, however, private investments in the media sector were encouraged, which led to the development of a hybrid category known as the “commercial media.” Although (partially or entirely) state-owned, their aim was no longer simply to disseminate propaganda but also to achieve profitability, which created greater space for investigative and other critical journalists. Similar developments took place in book publishing: According to a 2007 UK Arts Council report, 572 state-owned Chinese publishers were slated for partial privatization by 2010. The film industry was subjected to the same treatment, favoring the creation of nominally private but state-controlled media conglomerates, with SAPPRFT exercising a final right of control and authorization for all film production and distribution.

SELF-CENSORSHIP

Meanwhile, the rise of the Internet and social media created specific challenges for the Chinese state, providing ordinary citizens with potentially far-reaching channels of political expression. The

state rose to the challenge by extending well-honed mechanisms of media control to the cybersphere, beginning with the system of tiered responsibility, by which each actor in the chain (such as an Internet access provider) can be held responsible for activities the state chooses to criminalize. Accusations can be made under vague headings like “picking quarrels and provoking trouble,” a crime that was officially extended to online activities by the Supreme People’s Court (SPC) in its Legal Interpretation No. 21 (September 6, 2013). At the same time, the SPC defined the crime of “spreading rumors” online: Criminal prosecution is possible if “defamatory” content is shared more than 5,000 times on social media.

Whether in the print media or online, the Chinese state thus continues to rely on a system based mainly on self-censorship, in which responsibility is pushed down the chain so that each level is directly implicated and must take responsibility for decisions that individuals may feel uncomfortable with, as described extensively in a 2015 report published by PEN America. This system has been extremely effective in coexisting with market mechanisms, in the sense that publishers must factor the requirements of the censor into their cost-benefit calculations. Punishments are similarly tiered (though only used as a last resort), ranging from a ban on reprinting certain books (this happened to Zhang Yihe’s 2004 memoir *The Past Is Not Like Smoke*, about her father and his colleagues who were denounced as “Rightists” in 1957) or a recall of all copies from bookstores (as with the 2005 issue of the literary journal *Huacheng* containing Yan Lianke’s racy novella *Serve the People*, set during the Cultural Revolution) to a reduction in book registration numbers granted to a publisher or confiscation of the publisher’s license (as befell the journal *Strategy and Management* in 2004 after its publication of an article on China’s North Korea policy). Such measures can have a major impact on a publisher’s commercial viability.

Despite the resilience of state control, it is nonetheless possible to argue that China has progressively developed a form of public sphere, or at least a limited oppositional counter-sphere, over the past two or three decades. Three main arguments can be advanced to make this case, based on the liberalization of the economy, the development of the Internet, and the penetration into the mainland of discussions that take place in the “sinosphere” based outside of China.

ECONOMIC INCENTIVES

The liberalization of the Chinese economy, which gained speed after the failed democracy movement of 1989, has continued, albeit irregularly, up to now. This has created a diversity of economic interests in the cultural field that, although they must reckon with the state's power to control them, is conducive to a greater diversity of publications and media outlets. Despite the strict control of the propaganda department and its local branches, publishers and editors can sometimes be emboldened to test the limits of state tolerance by the pressure to improve profits through innovative or edgy content.

Former state-owned publishing houses still hold a quasi-monopoly on International Standard Book Numbers (ISBNs); selling these numbers has therefore become a significant source of income for publishers who have trouble adapting to the market context. This in turn has created opportunities for smaller private publishers, which are “unofficial” (in the sense that they are not controlled by the state), to negotiate with the ex-state-owned publishers to push back the boundaries of self-censorship. According to the Arts Council report, this “second channel” represented 25 percent of all titles and 80 percent of best sellers in 2006. Distribution networks have been similarly liberalized, with the dismantling of Xinhua's monopoly. According to the same report, private bookstores outnumbered state stores by 5 to 1 in 2005.

More generally, the liberalization of the economy has, for the first time since the communist takeover in 1949, provided alternative sources of income for intellectuals, writers, and bloggers, who no longer have to rely on a job in the state bureaucracy (with a university, a newspaper, or the Writers' Association). The blogger Han Han, who derives his income from car-racing and advertising deals, is a good example of relative immunity from the state's traditional tools of control.

Another important figure—though very critical of Han Han—is Xu Zhiyuan. A “post-70s” Beijing University graduate in computer science (decades of birth are often used as generational markers in China), he has become a much-read critical intellectual, publishing in a variety of overseas venues, including a weekly column in the Hong Kong-based *Asia Weekly* (which has a large readership on the mainland due to the pan-Chinese

nationalism of its editor-in-chief, Yau Lap-poon), that he has used to discuss the arrests of human rights activist Xu Zhiyong and other outspoken figures. He is also a cultural entrepreneur, running various publications funded by private investors—culture-hungry tycoons have become a growing source of funding for critical voices. One of his most notable ventures is the journal and budding bookstore chain *One-Way Street*, inspired by the Taiwanese cultural retail giant *Eslite*, which combines highbrow literature and book talks with “lifestyle” content. The journal published several issues before disappearing, the first one supported by the Hong Kong-based Phenix group, and subsequent issues by various small publishers that were happy to sell an ISBN.

Han Han, a member of the post-80s generation, also launched a magazine in 2009, titled *Group Singing Alone* (with the English subtitle *Party*), using the same system of individual book numbers (purchased from Shanxi Publishing Corporation) and private funding. After the first issue ran into difficulties with censors despite its innocuous content, he announced its demise on Mao's birthday, December 26, 2010.

Book numbers are easier to obtain than newspaper or journal numbers (*kanhao*), so many semiofficial journals resort to purchasing book numbers for each issue, often from different publishers, to avoid unwanted scrutiny. Xu Zhiyuan has published several issues of *Oriental History Review* backed by private funding and using individually purchased ISBN numbers from Guangxi Normal University Press. The journal takes a critical approach to sometimes sensitive historical themes—the first issue was titled “Revolution” and a more recent one dealt with Japan, always a fraught topic.

*Mainland authorities have
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influx of banned literature.*

INFORMATION FLOW

Although the Internet has not proved a “game-changer” in the way that some commentators originally imagined, it has put the Chinese state in a defensive position in which it often lags behind technological change. This lag is also due to the fact that the state prefers to study new media carefully, seeking to maximize their potential to enhance its control and propaganda, rather than banning them outright. As highlighted by a 2015 report published by Freedom House, the state has

mainly sought to maintain control over strategic nodes in the flow of information, such as service providers, domestic search engines, and access to user information. Real-name registration was one of the state's first responses to the spread of cybercafés, and Google's refusal to store user data and make it available to authorities ultimately resulted in restricted access to its services in China, especially since 2014.

Although innovations like blogs, microblogs, and social media have all been brought back into the fold of state control, there has often been a time lapse during which a newly created medium briefly empowered netizens to open new spaces of discussion or participatory action. For example, despite the existence of the Great Firewall, designed to block out foreign content, Virtual Private Networks (VPNs) and other "wall-scaling" devices (as they are known in China) allow tech-savvy netizens unprecedented access to prohibited content, often in English but also in Chinese. The *New York Times* and the *Wall Street Journal* both run Chinese-content websites that require a VPN for access; the *Financial Times* offers a Chinese-language website that is freely accessible. Although rumors of a crackdown on VPNs have circulated repeatedly, this seems to be an example of a technology (as well as economic interests, since many multinational firms also rely on VPNs in China) continuing to escape control.

Similarly, after Twitter's birth in 2006 it was quickly blocked by the Firewall, but the Chinese microblogging equivalent Sina Weibo appeared in 2009 and enjoyed approximately four years of relative freedom. Individual posts were targeted by comments from pro-government bloggers or removed, but technical delays appeared to hamper more widespread action. The critical writer Murong Xuecun boasted 8.5 million followers on Weibo before his account was shut down in 2013. During its window of opportunity, Weibo created new possibilities for different communities to network among themselves and with other like-minded groups (investigative journalists, rights-defense lawyers, and scholars or other intellectuals), Lund University's Marina Svensson has shown. This led to events combining online and offline forces. Flash mobs known as *weiguan*, or "surround and observe," assembled to support

the netizens known as the "Fujian three" at their trial in April 2010 (they were accused of making false accusations in defending the family of a young woman who was believed to have died after a gang rape by local gangsters connected to the police). Protests over the coverup of a 2011 Wenzhou high-speed rail crash that killed 40 people, environmental demonstrations against chemical factories in Xiamen and Chengdu, and "citizen reporting" by the likes of the blogger known as Zola are other examples of the role of new technologies in social mobilizations.

CRITICAL SPIRIT

In a less confrontational mode, the online public sphere also led to the formation of a widespread—though passive—consensus around certain types of intervention that are best exemplified in Han Han's writings. While he may be politically ambiguous and remains careful not to cross the party's red lines, Han Han is able to mock (rather than denounce) abuses of state power (corruption, wasteful investments, official hypocrisy or downright mendacity), state-sponsored nationalism (his mockery of a boycott campaign against the French supermarket chain Carrefour in the hyper-nationalistic pre-Olympics atmosphere of 2008 was remarkable), and other values that appear increasingly obsolete and make perfect targets for cynical or ironic commentary.

This points to the continued popularity of a form of critical spirit and public engagement even among the consumerist urban classes. Despite a moral relativism sometimes bordering on cynicism, Han Han's sharp irony and intolerance for "old-style" propaganda endears him to a large readership. In a 2011 *New Yorker* profile, Evan Osnos noted that half a billion Internet users had visited Han Han's blog. This number alone reveals the attraction exerted by politically sensitive comments. As Osnos writes, "Vivid and bawdy, [his] posts were celebrated not for originality but for saying what so many others only thought." In 2010, Han Han even posted the following comment on his Sina Weibo account on the day the imprisoned pro-democracy writer Liu Xiaobo was awarded the Nobel Peace Prize, expressing both his desire to say something and the impossibility of saying it: ". . ." Although subsequently deleted, it was

*A network of fragmented
oppositional spheres exists in the
cracks of the Chinese system.*

reposted hundreds of thousands of times and probably alerted many netizens to the event.

The government launched a campaign against Weibo in late 2013, shutting down several “big-V” accounts (V stands for “verified identity,” and Sina Weibo awards “big V” status to certain influential users) and arresting and jailing prominent bloggers such as Charles Xue. A small number of new tycoons in the private economy were also summoned and admonished, highlighting their influence. Among them was the real estate promoter Pan Shiyi, who frequently retweeted certain critical postings though he did not write similar posts himself. Han Han’s microblog also fell silent. The crackdown corresponded with a Supreme People’s Court ruling in September 2013 that criminalized the spreading of “rumors” and “picking quarrels” online. After the crackdown, Internet users increasingly migrated to Weixin (WeChat), a closed-circle social media service that provides more privacy but also prevents wider circulation of information.

SINOSPHERE CIRCULATION

Partly because of the Internet, and partly because of China’s rising standard of living and

a newfound passion for travel, a form of cross-border sinophone public sphere has appeared in recent years. Thanks to the unrestricted media environment in Hong Kong (as well as in Taiwan and the United States, though they are farther removed), a vast network of connected discussions, websites, social media groups, and even paper publications has emerged on the borders of mainland China. Books published in Hong Kong and either pirated (scanned) or retyped in simplified characters, debates in the Hong Kong or overseas Chinese media, and microblog posts all increasingly find their way into the mainland Internet, email inboxes, or airport bookstores. Pirated books have long represented a sizable share of the market (25 percent of all cultural products were pirated in 2005, according to the Arts Council). Political and cultural debates about China therefore no longer take place only on the mainland, but also in this virtual public sphere predicated largely on Hong Kong’s freedom of the press. For example, *iSun Affairs*—a weekly magazine funded by Chen Ping, who served as a member of reformist Prime Minister Zhao Ziyang’s team of advisers in the 1980s—was widely emailed to mainland subscribers before coming under

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financial pressure and alleged threats, and ceasing operations in late 2013.

This wider sinosphere circulation also creates a feedback loop: Mainland intellectuals can rely on income from Hong Kong and Taiwan, which makes them less dependent on their state-controlled jobs. The *New York Times*, building on the success of its Chinese-language edition, runs regular translated columns by several well-known Chinese writers, including Yan Lianke, Yu Hua, and Murong Xuecun. These columns regularly broach forbidden topics like censorship or historical amnesia, but thanks to the attention they receive overseas, they circulate privately within the mainland, through email, social media, or private networks.

Sinophone public intellectuals—whether they are originally from the mainland (like Chang Ping, now in Germany, or Qian Gang, in Hong Kong), or from Hong Kong (Leung Man-tao) or Taiwan (Lung Ying-tai) and based outside the mainland—appear regularly on websites and television channels, and many have become media stars of sorts. Chan Koonchung is another interesting example. Born in Shanghai, he arrived in Hong Kong as a child, studied in Boston, and founded the groundbreaking cultural/commercial *City Magazine* in Hong Kong in 1976. Having moved first to Taipei, then to Beijing 10 years ago, he continues to write and publish exclusively through Hong Kong.

Chan's 2009 novel *The Fat Years*, a dystopian account of contemporary Chinese society in the thrall of capitalism and historical amnesia, was published only in Hong Kong. However, he encouraged the dissemination of pirated versions on the Internet and even reportedly proofread a simplified-character version circulated as a PDF file, with the result that the book was apparently widely read on the mainland. Sinophone media produced special features on the novel that were also disseminated via the Internet. In January 2010, *China Individual Reading Report*, an unofficial publication that presents itself as the "Shanghai Review of Books" (it is published only as a PDF for download, but without an official ISBN or publisher), ran a special 25-page feature on the novel containing eight reviews and an in-depth interview with the author.

Hong Kong publishers and "second-floor bookstores" (fleeing rising storefront rents) therefore continue to play an important role, including those focused on political books about China's regime, such as Mirror Books or Greenfield. With the huge increase in mainland tourism to Hong Kong (47 million arrivals in 2014, according to the Hong Kong tourism commission), mainland authorities have struggled to reduce the influx of banned literature often carried in travelers' luggage. Publisher Yiu Man-tin was arrested after being lured to Shenzhen before the release of US-based dissident Yu Jie's polemic *China's Godfather Xi Jinping* by his Morning Bell Press in 2014, and sentenced to 10 years in prison, ostensibly for smuggling industrial paint. Increased controls in customs checks have targeted book smuggling since around 2013; mainland travelers outraged by arbitrary confiscations (customs officers are unable to provide a comprehensive list of banned books or cite a relevant law or regulation) have recently filed several lawsuits.

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DEBATING THE MAO ERA

A particularly interesting example of how the three trends described above—economic liberalization, the expansion of Internet communication, and the reach of Sinophone media—can combine to change China's discursive environment is the ongoing debate about the legacy of the Mao era. The official verdict, condemning some of the errors made by Mao and the Communist Party but reaffirming the party's historical role and ability to correct its mistakes, was set in stone by Deng Xiaoping in 1981. "Historical nihilism," as the party likes to call any open discussion of its past shortcomings, has been a persistent target of censorship and repression, and was classified as one of seven forbidden zones in the party's "Document No. 9," leaked in 2013. The state has strived to develop a "main melody" or middle-of-the-road style of "socialist entertainment," which channels communist historiography into commercial blockbusters. Some critical discussion of the Cultural Revolution, within certain limits, suited Deng's agenda and was authorized in the 1980s, but the history of earlier periods, such as the collectivization campaigns, the anti-Rightist movement, and the Great Famine of 1958–62, was considered off-limits.

However, over the past decade this taboo has been slightly weakened through a combination of the aforementioned three trends—even as Xi Jinping has tried to revive various aspects of Mao's political style.

Intellectuals within the system who lived through some of these episodes have long worked to make them better known. Since the 1990s, with the commercialization of the media, some legally registered but semi-independent journals have regularly revisited Mao-era history. *Annals of the Yellow Emperor*, registered under the aegis of a cultural association in 1991 by a group of retired reformist cadres disappointed by the failure of the democracy movement, has enjoyed the protection of party elders. Since 1996, the much more low-key and popular *Old Photographs* has published hundreds of unsolicited manuscripts combining family history with personal photos. In parallel, several unofficial journals, produced by groups of volunteers and circulated as PDF documents via email, have devoted themselves exclusively to personal writings about the Mao era, such as *Remembrance*, edited since 2008 by retired film scholar Wu Di; *Looking at History*, edited in Chengdu by Yang Xiaodong from 2010 to 2014; and *Five Black Categories*, edited by former Peking University scholar Jiao Guobiao since 2010.

In 2008, a retired Xinhua journalist, Yang Jisheng, published a massive documentary account of the Great Famine with Cosmos Books in Hong Kong, based on interviews, internal government documents, and other archival material. *Tombstone* made a considerable impact on the mainland, where it was soon pirated, copied, emailed, and hotly debated in various semipublic venues (such as blogs and academic workshops). The Hong Kong-based historian Frank Dikötter's 2010 book *Mao's Great Famine* was translated into Chinese and published by Hong Kong's New Century Press, before being in turn pirated and discussed in academic circles on the mainland.

These publications have generated considerable controversy on the mainland. Yang Jisheng was repeatedly attacked during academic conferences and in writing by a group of scholars led by mathematician Sun Jingxian, most recently during a Wuhan conference in 2014. In 2012, a post by a provincial propaganda official in Gansu named Lin Zhibo, denying mass mortality during the Great Famine, sparked outrage on Weibo: Hundreds

of thousands of netizens demanded an apology, which he was eventually obliged to submit.

Yan Lianke's novel *The Four Books*, which he first tried to publish in the mainland, but which finally appeared only in Hong Kong and Taiwan in 2010, is another account of the Great Famine, allegorizing the complicity of intellectuals with the Maoist regime. It too was pirated and circulated in semipublic venues within China, and widely discussed in academic circles and journals. Its polyphonic structure is itself crafted to create a debate on the history of the famine, as was the author's 2013 essay in the *New York Times* on "state-sponsored amnesia."

Grassroots initiatives such as the Folk Memory Project, started by documentary filmmaker Wu Wenguang in his Caochangdi workshop in 2010, provided a group of young directors with equipment and incentives to revisit their home villages and interview older relatives about the famine. Scores of documentary films have been produced and hundreds of oral accounts have been transcribed and uploaded to Caochangdi's website. Most importantly, such discussions are beginning to seep into the mainstream media on the mainland, in particular the more commercial southern outlets. In May 2012, the *Southern People Weekly* published a 15-page special cover story on the famine, featuring oral histories and survivor accounts.

It remains difficult to affirm the existence of a full-fledged public sphere in China, in the usual sense of the term. However, the privatization of the economy, technical innovations on the Internet, and the sinophone sphere of debate have combined to create new spaces for informed discussion of topics that are officially banned or at least discouraged in China. The displacement of official red lines in discussing the Mao era is an interesting example of changes happening under the surface through a combination of these factors. Still, it may be more exact to speak of a network of fragmented oppositional spheres that exist in the cracks of the Chinese system and are always in danger of being shut down. Xi Jinping's confident reassertion in Document No. 9 of the need to proactively control both online and offline publications, and the harsh persecution of Gao Yu, the veteran investigative journalist who is alleged to have obtained and leaked the document overseas in 2013, attest to the renewed challenges faced by this embryonic public sphere. ■